



**pennsylvania**

DEPARTMENT OF TRANSPORTATION

www.penndot.gov

**Mailing Date: July 17, 2019**

Emma Best  
MuckRock News  
DEPT MR 76761  
411A Highland Avenue  
Somerville, MA 02144-2516

**Re: Right to Know Law Request No. 19-0529**

Dear Requestor:

This letter acknowledges receipt by the Pennsylvania Department of Transportation ("PennDOT") of your written correspondence, which is being processed under the Pennsylvania Right-to-Know Law ("RTKL"), 65 P.S. § 67.101 *et seq.* PennDOT's Office of Open Records logged your correspondence as received on July 10, 2019.

You requested the following:

Copies of any Memoranda of Agreement (MOAs), Memoranda of Understanding (MOUs), memoranda of agreement or other liaison, information sharing or prisoner/detainee transfer agreements or delegations of authority with or involving immigration and Customs Enforcement signed or otherwise put into effect between March 1, 2003 and the present.

PennDOT does not possess a record responsive to your request. "...[A]n agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record." 65 P.S. § 67.705; *Pennsylvania State Police v. McGill*, 83 A.3d 476 (Pa. Cmwlth. 2014).

You may have a right to appeal this response in writing to the Executive Director, Office of Open Records (OOR), 333 Market Street, 16<sup>th</sup> Floor, Harrisburg, PA 17101-2234. If you choose to file an appeal you must do so within fifteen (15) business days of the mailing date of this response and send to the OOR:

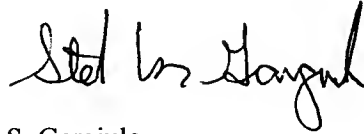
- 1) this response;
- 2) your request; and
- 3) the reason why you think the agency is incorrect in its response.

Additionally, the OOR has an appeal form available on the OOR website at:

<http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>

Please be advised that this correspondence will serve to close your RTKL request with our office as permitted by law.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Gargiulo". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

S. Gargiulo  
Agency Open Records Officer  
[PENNDOT-RightToKnow@pa.gov](mailto:PENNDOT-RightToKnow@pa.gov)

# COPY

19-0529 Best

Logged as received 7/10/19  
5 day response to be mailed 7/17/19

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**From:** 76761-32928215@requests.muckrock.com  
**Sent:** Monday, July 08, 2019 9:27 PM  
**To:** PD, PENNDOT Right To Know  
**Subject:** [External] Pennsylvania Right to Know Act Request: ICE MOUs/MOAs (Department of Transportation)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Department of Transportation  
RTK Office  
PO Box 3451  
Harrisburg, PA 17105-3451

July 8, 2019

To Whom It May Concern:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

Copies of any Memoranda of Agreement (MOAs), Memoranda of Understanding (MOUs), memoranda of agreement or other liaison, information sharing or prisoner/detainee transfer agreements or delegations of authority with or involving Immigration and Customs Enforcement signed or otherwise put into effect between March 1, 2003 and the present.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the Internet Archive and MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Emma Best

Filed via MuckRock.com

E-mail (Preferred): 76761-32928215@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fdepartment-transportation-3865%252Fice-mousmoas-department-of-transportation-76761%252F%253Femail%253DPENNDOT-RightToKnow%252540pa.gov&url\\_auth\\_token=AABGMkV6nvTsjVgTgC-lPa8Gc2A%3A1hkeuO%3A14I5tG5b5eLQ-qd7KDSuwDZ\\_UnM](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-transportation-3865%252Fice-mousmoas-department-of-transportation-76761%252F%253Femail%253DPENNDOT-RightToKnow%252540pa.gov&url_auth_token=AABGMkV6nvTsjVgTgC-lPa8Gc2A%3A1hkeuO%3A14I5tG5b5eLQ-qd7KDSuwDZ_UnM)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76761

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

